



Michael James Bacon
3194 Fitzpatrick Drive
Concord, California 94519
Affiant, now Plaintiff

(925) - 414-5646 Landline

FILED

NOV 18 2024

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

C24-08077

JCS

Michael James Bacon
Plaintiff

v.

John Martin LaVasse
General Manager 0955 Safeway Inc.
2600 Willow Pass Road
Concord, California 94519

Oscar Orozco
UFCW5 Union Local 5 Secretary-Treasurer.
UFCW5 Headquarters
28870 Mission Blvd.
Hayward, CA 94544

Chris Day
District 10 Manager
Safeway Inc.
5918 Stoneridge Mall Road
Pleasanton, California 94588

Sarah Diane Youngblood-Bates No. 244304
c/o ALBERTSON'S COMPANIES, INC.
2828 Camino Segura
Pleasanton, California 94566

Vivek Sankaran
PRESIDENT
c/o ALBERTSON'S COMPANIES, INC.
250 E. Parkcenter Blvd.
Boise, Idaho 83706

and Does 1 to X Defendants

Case No.:

VERIFIED COMPLAINT FOR PUNITIVE
AND MONETARY DAMAGES AND FOR
GRAND JURY EMPANELMENT FOR
CRIMINAL VIOLATIONS; TRIAL BY
JURY DEMANDED

LEGAL NOTICE AND DEMAND.

ATTENTION AND WARNING!

"FIAT JUSTITIA RUAT COELUM."

("Let right be done though the heavens should fall")

To: Oscar Orozco: UFCW5 Union Representative North Bay Director,
Chris Day: Safeway Inc. District 10 Manager,
John Martin LaVasse: 0955 Safeway Inc. General Manager,
by and through:
Vivek Sankaran: President: ALBERTSON'S COMPANIES, INC.

TAKE NOTICE: IGNORANCE OF THE LAW IS NO EXCUSE

**Take a moment to read this before you proceed any further.
I do not wish to communicate under any circumstances excluding
Federal Judicial Review.**

THIS TITLE IS FOR YOUR PROTECTION!

(1) I, One Michael James: Bacon, Executor Office - MICHAEL JAMES BACON, Estate, a/k/a "Affiant," the undersigned, herein request that you present anything that you wish to communicate to me in writing, signed under penalty of perjury as required by your law, and as shown in this instrument. **Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent.** Attachments are (soon to be) included / coupled hereto, and are part of this contract.

(2) Your failure to timely do so leaves you in the position of accepting full responsibility for any and all liabilities for monetary damages that I incur, as indicated herein, by any adversely affecting injuries caused by your overt or covert actions / omissions, and / or the actions / omissions of any of your fellow public officers and agents in this and / or any relevant matters as described herein. Each of the men listed above are being sought and prosecuted for violations of 192 local, State and Federal laws, and the trampling of many of my

unalienable, God-given Rights: Each man is being pursued for a bill incurred of approximately \$9.2 million ; including yourself. In all reality, these are all your "guys", and your responsibility. So I am pursuing the four of you (but really just YOU representing your Respective Corporations, Safeway Inc. and ALBERTSON'S COMPANIES, INC. LLC.). You have a primary hand in all this, and you know what your actions have done to the world, and what assets they have created via unjust corporate gains. So this requests \$9.2 million x four = \$36,800,000.00. This is a one time request, and the amount is a pre-taxed amount, in the form of credit.

You have the standard number of days to answer this federal complaint, as usual. Any other type of answer will result in a much more serious complaint following this up, and you and your "guys" will be required to come into Federal court and explain to a Federal Grand Jury how you were able to break all 192 of the local, State and Federal Laws and Statutes, and how you were able to walk on and disregard my unalienable rights secured by the Federal Constitution for the United States of America.

You are indeed a powerful man, with a purported net worth of over 16 Billion dollars, and we've noticed you call you worldwide workforce the following: "Human Capital."

You have Sixty (60) Days, from the date that this document is received by the Clerk of the Public Record, to respond and rebut the presumptions of this contract-complaint by submitting to me signed, certified, authenticated documents of the laws that rebut these presumptions point by point, on and for the Public Record under penalties of law including perjury. This document-complaint, will be on file in the public record, and the clerk in charge of the public record is charged to distribute this to any and all responsible parties, i.e., officers of the court, and / or law enforcement officers including local, state, federal, international, multi jurisdictional, and / or any and all officers, representatives, contractors, agencies, and / or any such entity or person that may bring any type of action, whether civil, criminal, or other, against me, and whether in this county, state, region, area, country, corporation, federal zone, or in any venue and / or any jurisdiction. Your failure to timely rebut the statements and warnings herein constitute your complete tacit agreement with all regulations and stipulations contained herein. Your presumptions that I, the undersigned, am a "Corporate Fiction" or "Legal Entity" and under your corporate "UNITED STATES" jurisdiction are now and forever rebutted.

(3) This notice - complaint is in the nature of a Miranda Warning. Take due heed of it's contents. If for any reason, you do not understand any of these regulations, stipulations, or warnings, it is incumbent upon you to summon a superior officer or federal judge for immediate help.

**THE REAL REASONS FOR MY WRONGFUL FIRING-"RETALIATION":
PRE-AMENDMENT TO THE SAFEWAY INC. ULTRA-VIRES COMPLAINT
TO BE FILED WITH THE CLERK OF THE FEDERAL COURT IN OAKLAND,
CALIFORNIA ON MONDAY NOVEMBER 18, 2024.**

FOREWORD: and Disclaimer:

Please be informed and aware of the following information- This is a technically undisputed fact and / or definition available to any diligent and prudent man or woman who chooses to investigate such matters: Through the old and lost art of reading; Authenticated Instruments = Documents IN PRINT in any Law Library OR available ONLINE;

This fact / definition can be found in many Multinational Corporate Business Logs / Blogs; This type of Information also exists within Indemnity Insurance Actuarial's which allow all merchants / businesses in commerce and High Level Insurers to gauge their respective risks in business ventures world-wide.

Definition: "COVID-19" is a global business plan whose goal is to gather all the monies of the world. "COVID-19" as a virus has been shown only to exist in computer simulation. The "COVID-19 virus" within the context of the Real world has been proven to have a now known survival rate of 99.98%.

And, this business plan called "COVID-19" has a known, publicized completion / ending date scheduled for May 30, 2025

Definition: "INSTRUMENT": A Document.

Definition: "Private Prosecutor": Any person, not an officer of government.

Definition: "ULTRA-VIRES": Beyond the scope of the powers of a corporation (government). An "Ultra-Vires" act of a government is one that is beyond powers conferred upon by law.

PRE-AMENDMENT TO FEDERAL COMPLAINT AGAINST:

John Martin LaVasse
General Manager 0955 Safeway Inc.
2600 Willow Pass Road
Concord, California 94519
(925)-689-3240
Contra Costa County
U.S.A.

Oscar Orozco
 Previous Contra Costa County Area North-Bay Director
 Newly Elected 2024 Local 5 Secretary-Treasurer.
 UFCW5 Headquarters
 28870 Mission Blvd.
 Hayward, CA 94544
 (510) 889-0870
 U.S.A.

Chris Day
 District 10 Manager
 Safeway Inc.
 5918 Stoneridge Mall Road
 Pleasanton, California 94588
 U.S.A.

Sarah Diane Youngblood-Bates BAR No. 244304
 c/o ALBERTSON'S COMPANIES, INC.
 2828 Camino Segura
 Pleasanton, California 94566
 U.S.A

Vivek Sankaran
 PRESIDENT
 c/o ALBERTSON'S COMPANIES, INC.
 250 E. Parkcenter Blvd.
 Boise, Idaho 83706
 U.S.A.

THE REAL REASONS FOR MY WRONGFUL FIRING:
RETALIATION NO. 001: JOHN MARTIN LAVASSE

John Martin LaVasse, general manager of 0955 Safeway Inc. retaliated against me for complaining about / bringing attention to the FACT that since approximately April, 2018, Union Membership has not been required by law in California. Safeway Inc. and their UFCW5 Union continues to push the FRAUD of required Union Membership.

This triggers registry for CLASS ACTION SUIT FOR FRAUD, DISHONEST BUSINESS PRACTICES AND RICO RACKETEERING / CONSPIRACY,

They took maybe \$2000.00 from me personally, but when multiplied across the board:

- (a.) X times all 0955 Safeway Inc. Employee's;
- (b.) X times all Employee's working at Safeway Inc's in Concord;
- (c.) X times all Employee's working at Safeway Inc's in Contra Costa County
- (d.) X times all Employee's working at Safeway Inc's in California
- (e.) X times all Employee's working in California at Albertson's, Lucky's, etc.

Together, this equals hundreds of millions per year, and definitely qualifies in the CLASS ACTION RETALIATION SUIT AGAINST PROTECTED CALIFORNIA WORKERS / EMPLOYEES wrongfully charged with Union Membership, dues and monthly fee's without consent/ without the Union being required by law.

The simple fix early on for me would have been simply to allow me to take my own temperature, or to do so in front of a supervisor. This would have cost Safeway Inc. nothing, But they chose to wrongly and swiftly fire me, for not not consenting to use their highly invasive and illegal medical intervention of the COVID-19 Infrared Laser temperature Detection / Facial Recognition Database and Kiosk.

This later reason being highly unlikely, It is WAY more probable that I was RETALIATED against for attempting to expose their sham,

If my complaining about the deception/dishonest business practices and RICO Racketeering involved in their Fraudulent Union Membership might have caused Vivek's Safeway Inc. ALBERTSON'S COMPANIES, INC. Enterprise to lose hundreds of millions in unjust corporate gains (PER YEAR), It is much more likely THIS is why I was fired-Retaliation at me to avoid exposure and loss of potentially: billions of dollars when it is all added up!

THE REAL REASONS FOR MY WRONGFUL FIRING:
RETALIATION NO. 002: JOHN MARTIN LAVASSE

John Martin LaVasse, general manager of 0955 Safeway Inc. retaliated against me for complaining about / bringing attention to the FACT that hundreds of my hours of work had gone unpaid due to the Two-Time clock Debacle: This will trigger registry for a CLASS ACTION SUIT on an even grander scale.

I began to notice and complain about my hours of work disappearing and going unpaid. I was the first person to discover that the downstairs time-clock at 0955 Safeway Inc. was not in any way synced to the upstairs time-clock.

I worked odd hours as Lead Chef for "Freshcut" Fruit and Vegetables Preparation at Safeway Inc. I started my shift at 3:00am, and would sign in on one time-clock, and later sign out using the other time-clock. I personally lost maybe a hundred hours over all, but when you multiply this across the board:

- (a.) X times all 0955 Safeway Inc. Employee's;

(b.) X times all Employee's working at Safeway Inc's in Concord;
 (c.) X times all Employee's working at Safeway Inc's in Contra Costa County
 (d.) X times all Employee's working at Safeway Inc's in California;
 (e.) X times all Employee's working at Safeway Inc's in all 50 States;
 (f.) X times all Employee's working at Safeway Inc's in all countries Internationally.

(g.) X times all Employee's working at Albertson's, Lucky's, etc. working in all cities, counties, states, and countries Internationally: any that might have incorporated the use of two time-clocks: This would equate to Billions of dollars lost in unjust corporate gains (PER YEAR)...

This CLASS ACTION SUIT FOR GROCERY WORKERS WORLDWIDE would give rise to the need to swiftly and illegally Retaliate against me for bringing this criminal time-clock scam to light; Rather than just not wanting to have my temperature taken by a machine.

Again, Safeway Inc. could just have let me take my own temperature, (since they trusted me to prepare fruit and vegetables for hundreds of people per day). How about I take my own temperature, and if I'm sick, I won't come in. Total cost for this solution: FREE.

It is of much higher probability my firing was Retaliatory in nature to keep their crimes under 'wraps'.

THE REAL REASONS FOR WRONGFUL FIRING
RETALIATION NO. 003: JOHN MARTIN LAVASSE AND SAFEWAY INC.
ATTORNEY SARAH DIANE YOUNGBLOOD-BATES

John Martin LaVasse, general manager of 0955 Safeway Inc. and his attorney Sarah Diane Youngblood-Bates Retaliated against me for going to the EEOC and filing suit against them for discrimination. Both LaVasse and Youngblood both continued to use deception and falsification of documents to cause the cancellation of my guaranteed unemployment benefits that I had been awarded.

Together, LaVasse and Youngblood continually lied, claiming I quit the job, while I have the firing letter in my possession.

The following describes the crimes perpetrated by Sarah Diane Youngblood-Bates BAR No. 244304: She used deception, falsified documents with which mail fraud was committed. She trespassed and administered my property without right. She committed forgery. She has no jurisdiction over me or my property, has no standing, has no personal knowledge, concerning me and my property, so anything she files against me is fraud and its criminal fraud.

On or about August 11, 2021, Youngblood committed numerous State, Federal,

and Common Law Crimes, that reflect adversely on her honesty, trustworthiness and fitness to be a lawyer. Youngblood violated the California Rules of Professional Conduct (R.P.C.) as follows:

On 8/11/2021, Youngblood used deception and / or dishonesty to falsify statements on documents, committing Mail Fraud via EEOC Portal, sending these falsified documents into the system causing me damages and financial ruin by blocking my access to previously guaranteed unemployment benefits. She ignored the Safeway Firing Letter she had access to, and falsified documents that would allege I quit, thereby revoking my unemployment award for the year, and the next year as well.

Please see attached exhibit Affidavit of Fact 000 to be duly filed on November 19, 2024 for Details to this Retaliation.

THE REAL REASONS FOR MY WRONGFUL FIRING:
RETALIATION NO. 004: JOHN MARTIN LAVASSE

John Martin LaVasse, general manager of 0955 Safeway Inc. retaliated against me for complaining about / bringing attention to the FACT that the benefits that I paid into from Vanguard (through the forced UFCW5 Union Membership) seemed to be fake/false, and I received no gain or 'benefit from these.

I complained that none of my sick day were paid for or covered, none of these Vanguard benefits seemed real, although I was forced to pay into them. I inquired about this numerous times to no avail. How many other workers were getting ripped off by this. As I attempted to resolve this, all the Pandemic and lockdown/ social distancing and masks took over.

Safeway Inc. and the UFCW5 Union Retaliated against me for raising concerns that the Vanguard benefits were not real. If it became known that employees Countrywide were getting ousted of money by this billion dollar corporation, this could spell loss of Millions or Billions in Unjust Corporate Gains by this domineering Vanguard and Blackrock World Supremacy RICO conspiracy, Monopoly of the world. This was another Real reason for my wrongful firing. a trigger point for REGISTRY FOR CLASS ACTION SUIT FOR GROCERY WORKERS RIPPED OFF IN SICK PAY AND FRAUDULENT BENEFITS.

This has a much higher probability for my being the Real Reason for my wrongful firing. I personally lost some pay for sick days that went unpaid, and lost many hundred dollars for worthless Vanguard benefits, but when you multiply this across the board:

- (a.) X times all 0955 Safeway Inc. Employee's;
- (b.) X times all Employee's working at Safeway Inc's in Concord;
- (c.) X times all Employee's working at Safeway Inc's in Contra Costa County
- (d.) X times all Employee's working at Safeway Inc's in California;
- (e.) X times all Employee's working at Safeway Inc's in all 50 States;

(f.) X times all Employee's working at Safeway Inc's in all countries Internationally.

(g.) X times all Employee's working at Albertson's, Lucky's, etc. working in all cities, counties, states, and countries Internationally, this would definitely add up, and would motivated them to terminate me quickly and wrongly. Again, this activates another triggering of REGISTRATION FOR A CLASS ACTION SUIT FOR ALL GROCERY STORE WORKERS EMPLOYED HERE AND EVERYWHERE. This is likely another point for Retaliatory Firing!

THE REAL REASONS FOR MY WRONGFUL FIRING:
RETALIATION NO. 005: JOHN MARTIN LAVASSE AND UFCW5 UNION

John Martin LaVasse, general manager of 0955 Safeway Inc. retaliated against me for complaining about / bringing attention to the FACT that my wages had been illegally and unlawfully garnished; I complained further that both Safeway Inc. and the UFCW5 Union would not and could not provide the proof that I owed a debt; neither of these entities would or could provide any valid, signed contract, or any court order that some debt was owed.

This is a major trigger point for a nationwide CLASS ACTION SUIT FOR ALL WRONGFULLY GARNISHED GROCERY WORKERS. My continued request for a court order and required Due-process of law was quickly swept under the rug as more fraud arose from the sham of the pandemic. They garnished just about 2.5 thousand dollars from me, but when added up across the board:

- (a.) X times all 0955 Safeway Inc. Employee's;
- (b.) X times all Employee's working at Safeway Inc's in Concord;
- (c.) X times all Employee's working at Safeway Inc's in Contra Costa County
- (d.) X times all Employee's working at Safeway Inc's in California;
- (e.) X times all Employee's working at Safeway Inc's in all 50 States;
- (f.) X times all Employee's working at Safeway Inc's in all countries Internationally.

(g.) X times all Employee's working at Albertson's, Lucky's, etc. working in all cities, counties, states, and countries Internationally, this is another point of potential loss of Billions of dollars of unjust corporate gains, Classifies as the most major trigger point for CLASS ACTION LAWSUIT SO FAR.

This is by far, the potentially most damning Retaliation point, another Real Reason for my quick and wrongful firing, rather than having a bumped toe, or a little temperature and sniffles!

THE REAL REASONS FOR MY WRONGFUL FIRING:
RETALIATION NO. 006: JOHN MARTIN LAVASSE AND UFCW5 UNION

John Martin LaVasse, general manager of 0955 Safeway Inc. retaliated against me for complaining about / bringing attention to the FACT that the following Union man:

Oscar Orozco
 Previous Contra Costa County Area North-Bay Director
 Newly Elected 2024 Local 5 Secretary-Treasurer.
 UFCW5 Headquarters
 28870 Mission Blvd.
 Hayward, CA 94544
 (510) 889-0870
 U.S.A.

.....may have perpetrated major crimes during his usual course of business, possibly due to poor training, as follows:

Timeline of Crimes perpetrated by Oscar Orozco:

Wednesday, March 6, 2019: Oscar Orozco told me that in order to work for Safeway Inc. that UFCW5 Union membership, fee's and monthly dues were absolutely MANDATORY. He presented a packet of papers that he needed to have filled out and returned. This new job at Safeway Inc. was very involved, and due to the hard full time work, I was late with my paperwork. [I am still in possession of all my original un signed paperwork, as I never got around to filling them out}.

Monday, March 18, 2019: Oscar Orozco, having never received my forms, took it upon himself to fill out all my forms, forge my signature and enter me into the system, deducting membership fees, and monthly dues without informing me, without my consent. He forged and signed all medical releases and never told me anything. They went ahead and deducted a bunch each week for fee's and dues and everything else.

This marks a trigger point for REGISTRY FOR CLASS ACTION SUIT AGAINST THIS UFCW5 UNION REP AND NORTH-BAY DIRECTOR, AND HIS CRIMES AGAINST ME. These crimes include forgery, fraud, document tampering, falsifying documents, execution of false documents, creating felony false signatures for medical information release, mail fraud, forced Union membership fee's, illegal dues and overcharging for fee's on a weekly basis. I raised concerns and complained about this, as I knew that since April 2018, Union membership in California was no longer required by Law.

Again, this duplicates the Real Reason 001 for my Wrongful Firing
 This marks that point of Retaliatory Firing: but additionally pins it on the man himself: Oscar Orozco, the newly elected in 2024 Secretary and Treasurer of the UFCW5 Union. This means that this RICO Racketeering Conspiracy is still Generating Millions in Unjust Corporate gains per WEEK here in California!!!!

They took about two thousand dollars from me, but multiply this across the board:

- (a.) X times all 0955 Safeway Inc. Employee's;
- (b.) X times all Employee's working at Safeway Inc's in Concord;

- (c.) X times all Employee's working at Safeway Inc's in Contra Costa County
- (d.) X times all Employee's working at Safeway Inc's in California
- (e.) X times all Employee's working in California at Albertson's, Lucky's, etc.

Together, this equals hundreds of millions per year, and definitely qualifies in the CLASS ACTION RETALIATION SUIT AGAINST PROTECTED CALIFORNIA WORKERS / EMPLOYEES wrongfully charged with Union Membership, dues and monthly fee's without consent/ without the Union being required by law.

THE REAL REASONS FOR MY WRONGFUL FIRING:
RETALIATION NO. 007: JOHN MARTIN LAVASSE AND DISTRICT 10
MANAGER CHRIS DAY.

Please see Exhibits to be filed into this case on November 19, 2024 as follows: AFFIDAVIT of Fact 000, AFFIDAVIT of Fact 001, AFFIDAVIT of Fact 002, AFFIDAVIT of Fact 003, AFFIDAVIT of Fact 004, AFFIDAVIT of Fact 005, AFFIDAVIT of Fact 006, AFFIDAVIT of Fact 007, AFFIDAVIT of Fact 008, AFFIDAVIT of Fact 009, AFFIDAVIT of Fact 010, AFFIDAVIT of Fact 011, AFFIDAVIT of Fact 012, AFFIDAVIT of Fact 013, AFFIDAVIT of Fact 014, AFFIDAVIT of Fact 016, AFFIDAVIT of Fact 018, for details.

The accusations against Chris Day and John Martin LaVasse, both speaking for and doing business as Safeway Incorporated are founded on the following, i.e., are based on Truth uncovered:

A. According to Federal Case Law from American Jurisprudence;

B. According to Rules laid out in Sure-Fire Scribes: a Dozen Canon's of Statutory and Constitutional Text Construction by Antonin Scalia and Bryan Garner;

C. By the Patient Self-Determination Act (1990): Right to refuse treatment is endorsed---not conferred; and Right To Refuse Treatment is FOUNDATION STONE;

D. Two Rights were given/issued to all men and women by Congress; these unalienable and infeasible rights are [1.] Right to Accept medical mandates and medical interventions; and [2.] Right to Refuse medical mandates and medical interventions; These two right's cannot be lost, cannot be sold, and are permanent. In these two right's, I have a secured, Liberty Interest.

E. Finally and at long-last, we know that the "COVID-19 virus" exists only in computer simulations; And, the alleged "COVID-19 virus", in the Real World, has a now known survival rate of 99.98%.

F. We also know now for sure that the Department of Defense (D.O.D.) was behind the forcing of all masks, and COVID-19 Countermeasures, vaccines, and medical protocols. Additionally, it is well known by the Safeway Inc. Pharmacies, all of which had to sign the Emergency Use Authorization Contracts in order to distribute the

vaccines and COVID-19 Countermeasures, mandated machines and protocols;

Now, in that EUA Contracts own writing, the non-publicized 'Fine Print', that the only thing that cannot be done, ever, is to wrongly fire or punish anyone who exercises their right to REFUSE any of the "COVID-19" Countermeasures, including refusal to use an illegally mandated medical intervention in the form of a "COVID-19" Infrared Laser Temperature / Facial Recognition Kiosk.

Furthermore, the Emergency Use Authorization (E.U.A.) which Safeway Inc. is well aware, also states in the never-discussed fine-print, that full liability is incurred if Safeway Inc. were to fire or further punish in any way any worker exercising his or her right to refuse these COVID-19 Countermeasures; Full Liability is incurred if said entity Retaliates, therefore Game Over.

On the 12th of February, 2021, the notification by U.S. Mail was sent to 0955 Safeway Inc. employee number 6079842-Michael James BACON, sent from Chris Day, Safeway Inc's District 10 Manager, Informing that they have Decided to Fire me. The letter was sent officially, thereby unlawfully fired me for exercising my right to refuse any "COVID-19" Countermeasure.

Vivek Sankaran, all these guys/gals are yours, and your responsibility, and you are hereby fully and vicariously liable, along with your indemnity insurer, for their wrongful acts, probably due to improper training. Your guys have given up a lot for you! I hope you will honor what's right, and this bill and this liability is on you, not them!

Respectfully submitted this day, November 18, 2024


Marderian Bacon

Affiant,

Michael James

2024-11-18

Name: Michael James Bacon

Address: 3194 Fitzpatrick Drive

Concord, California 94519

Phone: _____

Fax: _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Michael James 'Bacon'

Plaintiff

v.

John Martin LaVasse,
 In his personal and professional capacity

Defendant(s).

CASE NUMBER:

To be supplied by the Clerk of
 The United States District Court

**VERIFIED COMPLAINT FOR
 PUNITIVE AND MONETARY
 DAMAGES AND DEMAND FOR
 GRAND JURY EMPANELMENT
 FOR CRIMINAL VIOLATIONS
 TRIAL BY JURY DEMANDED**

"Those who would give up essential Liberty, to purchase a little temporary Safety,
 deserve neither Liberty nor Safety." Benjamin Franklin

COMPLAINT

1. Plaintiff Michael James Bacon brings this action to obtain redress for the intentional and purposeful deprivation of Plaintiffs right's, criminal actions, and for forcing of non-consensual medical intervention(s) without a license. Defendant acting with joint participation with the state of California engaged in Conspiracy to deprive Plaintiff of his federally protected God-given rights, as (John LaVasse) general manager of Willow Pass Safeway, hereafter LaVasse, in his personal and professional capacity. Defendant caused the intentional infliction of past, present and future emotional distress as hereafter alleged.

JURISDICTION AND VENUE

2. The "judicial power of the United States shall extend to all cases, in Law and Equity, arising under this Constitution and the [Laws] of the United States". This court has subject matter jurisdiction over Plaintiffs 42 U.S.C. § 1983 claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)(4). This court has subject matter jurisdiction over the Plaintiffs state law claims pursuant to 28 U.S.C. § 1367.

Venue is proper pursuant to 28 U.S.C. § 1391 (b) because all of the acts and State of California and is thus within the United States District Court for the Northern District of California. This action arises under 42 U.S.C. § 1983 to redress deprivations of Plaintiffs rights through acts and omissions that defendant committed under the color of law as willful participants in joint activity with the State and/or its agents.

PARTIES

3. Plaintiff Michael Bacon is a research consultant who graduated CSU Hayward in 2003. At all times relevant has been a resident of Contra Costa County, California. Defendant John LaVasse is the general manager of Willow Pass Safeway, 2600 Willow Pass Road, Concord California 94519, which is located in Contra Costa County.

FACTUAL BACKGROUND **The COVID Pandemic is a Fraud.**

4. A pandemic is a sudden infectious outbreak that becomes very widespread and affects a whole region, a continent, or the whole world with a high degree of mortality. For decades we have experienced seasonal influenza with up to 80,000,000 cases in a year. The current published numbers for the Corona Virus Disease of 2019 (hereinafter COVID-19 or COVID) "pandemic" are around 49,000,000 case in the U.S. which are artificially and purposefully inflated.

6. The reporting guidelines that the CSC normally used for the last 17 years to calculate fatalities were suddenly changed on March 24, 2020. This change resulted in a reported fatality rate that was 94% higher than deaths attributable to COVID alone. The actual death rate from COVID is actually extremely low with the seasonal flu posing a bigger threat for most Americans.

Faulty Models

7. At the very beginning of the manufactured pandemic in March 2020, the Imperial College publicly released its now severely discredited research report predicting that 2 million American's would die without very swift action taken. .Even more unscrupulously the report forecast 1.1 million Americans would die within the coming months despite any efforts. The report failed to mention that the people over 80 had a likelihood of death 100 times more than those under 50.

8. Two weeks later under scrutiny of the projections and methods the number of deaths was reduced by 96% by the Imperial College report's creators. As the manufactured pandemic progressed the absolute numbers were continually adjusted downward. The panic generated was not to be undone as the revised numbers never made the mainstream media like the initial inaccurate numbers that were publicized. Once the low death rate and questionable reporting was revealed, the CDC tried to bury this finding on it's website.

9. The narrative to continue the "pandemic" then shifted to the number of

1 "cases" instead of fatalities. The tracking of "cases" is a relatively meaningless metric
2 as it does not provide any insight into infectivity, severity, transmissibility, or impact or
3 lack thereof on an individual. Consistent with the inflated number of deaths from
4 COVID, the number of "cases" were distorted.

5 Inaccurate Tests

6 10. There has not been a proper test developed to accurately detect
7 COVID-19. There has never been a purified sample of the virus as a control to
8 accurately calibrate the testing. As a result, there is no test that can accurately and
9 repeatedly detect a case of COVID-19. The result is a high percentage of false
10 positives. The literature on false positives is numerous and is well documented in the
11 scientific community. Cases were determined through a polymerase chain reaction
12 (hereafter PCR) test after a nasal swab sample.
13

14 11. The PCR technique was developed by the late Dr. Kary Mullis for use in
15 the lab to amplify nucleic acid for research purposes. Dr. Mullis was awarded a Nobel
16 Prize in Chemistry for his role in the invention of the PCR technique. The PCR test was
17 never intended to be used to diagnose an infectious disease as the inventor Kary Mullis
18 himself stated. There was never a proper control sample used to calibrate the PCR test.
19 If you cycled the PCR test enough you would always get what your looking for, a
20 positive result.
21

22 12. Consequently, the PCR test was erroneously applied and was cycled
23 more than necessary and as a result inflated the number of cases. This led to a high
24 number of false positives and the eradication of detection of influenza for the 2020 flu
25 season; This discovery is the reason why Florida began requiring labs to report the
26 number of cycles to discern the real cases from the false positives.
27 Disturbingly, the CDC's own PCR guide confirms the above as released July 21,2021:
28

- a. Amplification techniques such as PCR are sensitive to accidental introduction of PCR product from previous amplification reactions;
- b. Test performance can be affected because the epidemiology and clinical spectrum of infection caused by 2019-nCoV is not fully known.
- c. Detection of viral RNA may not indicate the presence of infectious virus or that COVID the causative agent for clinical symptoms.
- d. The performance of this test has not been established for the screening of blood or blood products for the presence of 2019-nCoV.
- e. This test cannot rule out diseases caused by other bacterial or viral pathogens.

13. Most cases of COVID were actually false positives based on the flawed PCR testing. The flu continued to exist but it's tracking was deceptively eliminated by focusing on COVID as the only possible infectious disease. A reported "case" of coronavirus referred only to a positive test result showing someone has been infected. It did not mean that a person will become sick or hospitalized or die.

14. Incentives were given to classify deaths as COVID deaths by giving higher reimbursements to hospitals for COVID patients. Many states assumed anyone with a positive COVID test died from the disease regardless of the actual cause of death. As the director of the Illinois Department of Public Health said "If you were in hospice and were already given a few weeks to live, then you were also found to have COVID, that would be counted as a COVID death."

15. Deaths from the flu up to 80 million in some years has been occurring for decades. These deaths would occur each year without a second thought. In contrast, each death from COVID, real or imagined, was highlighted in the media to stroke fear. This led medical expert Dr. Mark McDonald to declare the true public health crisis was not COVID but fear of infection (real or imagined) which has morphed and evolved into a form of mass delusional psychosis.

16. Other states and instances counted people who died of gun shot wounds as having died from COVID. In September 2021 the Norwegian Institute of Public Health reclassified COVID-19 as no more dangerous as the ordinary flu which predictably

1 received no media attention. The FDA has admitted that there is no specific tests for the
2 variants that arise.

3 **Better, Cheaper and More Effective Interventions than the Vaccines.**
4

5 17. In normal and sane times, the medical community tries to treat illness to
6 prevent people from getting admitted to the hospital. Several affordable and extremely
7 effective interventions exist for the treatment of COVID-19 including but not limited to
8 hydroxychloroquine, ivermectin, budesonide, zinc and vitamin I.

9 18. All of these therapies have been around for decades and have
10 significantly quantified safety profiles through years of clinical research. Recent
11 research has indicated an aggressive campaign to compel people to take vitamin D at
12 the beginning of the “pandemic” could have prevented nearly all COVID deaths. In
13 contrast, the vaccine was rushed to development and has no long term safety or
14 efficacy data. Numerous effective early interventions have been abandoned for the lure
15 and profit of the “vaccine”.
16

17 19. To further push the need for a vaccine narrative CDC changed the
18 definition of vaccine and vaccination to fit the current therapies being pushed.
19 The current COVID vaccines are not really vaccines at all by definitions used until
20 March 2020. They are gene therapies that are being pushed for profit. The definition of
21 herd immunity was changed by WHO. Despite all the attempts to fan the flames of fear
22 from COVID, the U.S. Death rate in 2020 was unchanged from 2019. The
23 mischaracterization of cases and death from the SARS CoV-2 virus has been used to
24 impose unlawful actions and exploit rights under the color of law. People have woke up
25 and are fighting back against the systematic violation of rights in the setting of a
26 “pandemic” based on false premises.
27

28 **Constitution Not Suspended in an Emergency**

20. Even if there was a true public health emergency the United States Constitution does not become suspended and the rights of the people are not halted. Neither the legislature nor any executive or judicial officer may disregard the provisions of the Constitution in case of emergency.

21. The Constitution is not suspended when the government declares a state of disaster. All government power in this country, no matter how well intentioned, derives only from the state and federal constitutions. Government power can only be exercised in conflict of these constitutions, even in a pandemic that was actually real.

22. It may bear repeating the the Constitution is the Supreme law of the land and all things repugnant to it are void. The Constitution is the protector of the people against injury by the people. The constitution of a state is stable and permanent, not to be worked on by the temper of the times, nor to rise and fall with the tide of events. Notwithstanding the competition of opposing interests and the violence of contending parties, it remains firm and immovable, as a mountain amidst the strife and storms.

Separation of Powers and the Doctrine of Checks and Balances

23. This system of checks and balances is a core tenant to the U.S. Constitution. The legislature of the State of California passes law. Only the legislature can pass a law in the state of California according to the California State Constitution Article II section 2.5; Article IV section 1 "The legislative power of this state shall be vested in a senate and assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: The people of the State of California represented in senate and assembly, do enact as follows", and no laws shall be enacted except by bill.

24. The legislature may not delegate this law making power. The executive branch enforces law but may pass executive orders. These executive orders apply to the agencies under direct control of the State or Federal government (De Jure Lawsuit). During the COVID "pandemic" the governors of many states issued executive orders. These orders do not have the force of law but have been commonly misinterpreted as

1 such by law enforcement, government agencies, lawyers and businesses. This basic
2 discussion is a core concept to today's. Some stores displayed signs that read:
3 "According to California State Law, masks are required."

4
5 25. Further, government agencies have been corrupted and twisted. CDC
6 guidelines are not laws. CDC is not a legislative body of the Federal Government. The
7 guidelines that are released are recommendations only and do not have the force of
8 law. The former laws bare the false arguments that have been repeatedly used to justify
9 the action of businesses, individual and government that their actions are due to
10 Executive Orders or CDC guidelines. Any such actions would be tantamount to vesting
11 the executive branch and it's agencies with the full power of the legislature during times
12 of a declared emergency, which preposition would be fraught with all sorts of legal and
13 constitutional issues. If such was the case, the separation of powers would be a nullity
14 and the executive branch would be free to rule the state at will.

15
16 26. Even if the executive and administrative dictates were to somehow stand
17 de to some faulty ruling of law, they would have a high threshold of due process to carry
18 out their intended proclamations: According to California Public Health Law § 2120. The
19 "Safeway" policy LaVasse relies on is unlawful under international, federal,
20 constitutional and state law. It is also irrational and discriminatory and violates Plaintiff's
21 Equal Protection Rights. It is well established by evidence based science that the
22 vaccines available to protect against SARS-CoV-2, are not able to provide sterilizing
23 immunity. From the beginning, public health officials acknowledged that SARS-CoV-2
24 vaccines would likely provide protection from serious, symptomatic disease, but the
25 vaccines were not designed to stop infection and transmission of the virus.

26
27 27. The Centers for Disease Control (CDC) recently released the findings of a
28 study that confirms that the vaccinated are as infectious as the unvaccinated. The study

1
2 also showed that the vaccinated are likely to contract COVID-19 and to end up in the
3 hospital with as serious of cases of COVID-19 as the unvaccinated. To date, no peer
4 reviewed study supports the assumption that the vaccinated are not able to spread
5 SARS-CoV-2, or are less dangerous than unvaccinated people. On the contrary,
6 transmission was not even studied in clinical trials, and it was expressly acknowledged
7 from the outset that these vaccines cannot provide sterilizing immunity. They were not
8 designed to stop transmission and they do not stop transmission of SARS-CoV-2.
9

10 **Natural Immunity is Superior to Vaccination**

11 28. Defendants seem to operate on the presumption that individuals who are
12 unvaccinated with the variant of the COVID vaccines are somehow disabled. Natural
13 Immunity is far superior to any manufactured immunity, and most institutions following
14 these guidelines are ignorant to the fact that having COVID and recovering from it
15 provides robust and longer lasting immunity than a vaccine can provide. Infection based
16 immunity is broader and deeper. A natural infection releases hundreds and hundred of
17 antibodies against all proteins of the virus including the envelope, the membrane, the
18 nucleocapsid and the spike.
19

20 29. Dozens upon dozens of antibodies neutralize the virus when encountered
21 again. This exposure to these proteins cases or T-cells to mount a robust memory that
22 will reactivate again when presented with the same virus or similar to eradicate it in our
23 body. The current variants that are claimed to exist but certainly not proven would
24 definitely be eliminated against a person with natural immunity. In vaccine induced
25 immunity with the currently overused mRNA vaccines we mount an antibody response
26 only to the spike protein and its constituent proteins. This produced much fewer
27 neutralizing antibodies which are ineffective against the spike protein as the virus
28 preferentially and naturally mutates at the spike protein level.

1 30. The antibodies that are vaccine induced are incapable of binding to these
2 mutations. This is the reason Dr. Robert Malone who was one of the co-inventors of the
3 mRNA vaccines in the 1990's unquestionably calls the mRNA vaccine "leaky" as they
4 provide no sterilizing immunity, allow mutations to pass through and push the more
5 virulent variants into existence that are now resistant to the vaccine resulting in a
6 worsening of the severity of COVID at the community level. The current practice of
7 mass vaccination is similar to administering mass antibodies to a population where you
8 will invariably get antibiotic resistant strains due to over and indiscriminate use.

9
10 31. Simply stated, you can't vaccinate your way out of a pandemic, real or
11 imagined and the process of mass vaccination simply selects the most resistant SARS
12 CoV-2 variants to propagate to produce precisely worsening the situation. The study
13 demonstrated that natural immunity confers longer lasting and stronger protection
14 against infection, symptomatic disease and hospitalization caused by the delta variant
15 of the SARS-CoV-2 compared to the BNT162b2 two-dose vaccine immunity.
16 Individuals who were both previously infected with SARS-CoV-2 and given a single
17 dose of the vaccine gained additional protection against the delta variant.

18
19 32. This is also substantiated by the declaration of Dr. Jay Bhattacharya,
20 director for Stanford University's Center of Demography and Economic's of health and
21 aging that natural immunity is overwhelming proven to conclude that natural immunity
22 provides equivalent or greater protection against severe infection and immunity
23 generated by COVID-19 vaccines. This conclusion was based on studies from Qatar
24 which tracked 927,321 individuals for 6 months after COVID vaccination, California
25 which tracked the infection rates of over 5 million patients vaccinated with the two Pfizer
26 doses, and US Veteran's who tracked 620,000 vaccinated participants.

27 33. This is further underscored by the leading cardiologist Dr. Peter A.
28

1 McCullough that the COVID-19 vaccinations do not prevent the transmission of the
2 disease among the vaccinated, mixed vaccinated/ unvaccinated population, and that
3 mandatory COVID-19 vaccines for hospitals do not increase safety for employee's or
4 hospital patients. Because of the mutation of the spike protein the virus has achieved
5 an immune escape from the COVID vaccines. The variants are not adequately covered
6 by the vaccines, consequently, even if you are fully vaccinated, you still can become
7 infected with COVID-19.

8
9 34. The immunity from vaccines waive hence the need for repeated injections
10 and boosters. The irony of all this is, therefore, is the fact that the vaccinated are much
11 less protected compared to unvaccinated individuals, carry higher viral loads, are more
12 infectious, and are the driving force behind new variants. Discriminating against the
13 unvaccinated is scientifically ignorant.

14
15 **Vaccines are Not Effective with Questionable Safety**

16 35. The vaccines cased a 127% increase in the risk of heart attacks. The
17 pfizer vaccine in the initial stages of implementation to the public had a death rate of 1
18 in 37 as revealed in Pfizer's court ordered release of it's research data in December of
19 2021. This is the same data that Pfizer fought to keep private and unavailable for
20 release until 2076. Defendant did not issue the discriminatory Mask Mandate based on
21 any science that showed it was necessary or appropriate for even safety to impose
22 burden's on the unvaccinated but not on the vaccinated. Rather, in his official capacity
23 promulgated the discriminatory regulation as part of a political strategy to coerce people
24 into participating in the experiment.

25
26 36. As Plaintiff will sow at trial the Defendant's actions in addition to numerous
27 civil violations constitute the criminal violation of a Hate crime under California State
28 Penal Law. Not only are Defendant's actions violating numerous constitutional, federal,

1 and state protected rights they are based on scientific ignorance. This is with good
2 reason since the orchestrated public messaging campaign that the “vaccines” are safe
3 and effective and a “passport” back to freedom. This may be why Defendants have
4 been emboldened to commit criminal and civil violations but the Defendant’s defended
5 their actions after being put on notice for the violations they were committing.

6
7 37. Defendant’s may feel that because other businesses were following the
8 same customs of committing civil and criminal offenses they were justified in their
9 actions. The Omicron variant was shown to be predominantly in the vaccinated
10 population. The double and triple vaccinated accounted for 4 out of 5 deaths in England
11 late 2021. It is a well established tenant of tort law that customs of action do not meet
12 the definition of proper behavior.

13 38. No peer reviewed study has yet found that widespread use of cloth masks
14 or re-useable surgical masks can mitigate the spread of SARS-CoV-2 or any other
15 similar aerosolized pathogens. The only randomized controlled trial of cloth masks
16 showed that cloth masks actually increased the risk of health complications and spread
17 of disease rather than stop it’s spread. Based on this study guidelines were updated to
18 recommend that it is safer for health care workers to have no mask than to use a cloth
19 or re-useable mask. The peer reviewed evidence available shows that serious adverse
20 health outcomes can and do occur from prolonged mask. For reasons set forth in this
21 complaint, Plaintiff respectively seeks punitive relief and empanelment of a grand jury to
22 prevent the ongoing criminal violations of his most basic rights, dignity and safety.

23
24 **Masks are Completely Ineffective at Preventing Transmission**

25 39. The evidence on the effectiveness of masks is settled-they offer no
26 protection from airborne agents. Masks are useless at preventing the spread of disease
27 and even further are unsanitary objects themselves become vectors for the spread of
28

1 bacteria and viruses. The proof of mask ineffectiveness is extensive and numerous and
2 dates back as far as 1975 to present day. The wearing of surgical face masks has no
3 effect even in the operating room environmental contamination. It only serves to
4 redirect the offending projectiles of coughing and breathing. More recently a meta
5 review done in 2001 found that the evidence for discontinuing the use of surgical face
6 masks would appear stronger than the evidence available to support the continued use.

7
8 40. Further another systematic literature review found that no significant
9 difference in the post operating wound infection was observed between masked groups
10 who operated with no masks. In 2015 a review of scientific literature was performed and
11 concluded that there is a lack of substantial evidence to support claims that face masks
12 protect other patient or surgeon from infectious contamination. Most of these studies
13 that are in a controlled medical environment done by trained medical personnel. The
14 implications for non-medical people in a non-medical setting with no standards for the
15 sterility or cleanliness of masks is that it would clearly exacerbate the ineffectiveness of
16 a typical civilian setting in which the Defendant works. The evidence for the complete
17 ineffectiveness of masks at preventing infection is overwhelming and definitive.
18 One may find an aberrant contrary study that has poor study design or its politically
19 motivated like the CDC's mask study, that was released during the "pandemic".

20 **Masks are Harmful**

21 41. When facts mattered more than politics before the pandemic the reality is
22 masks in the clinical and even more so in the non-clinical setting do not prevent disease
23 transmission and are in fact counter-productive as a danger and a nexus for the
24 facilitation of disease spread. Masks have caused children to die when using during
25 physical activity by obvious oxygen deprivation. Of course, this was unreported by
26 mainstream media. Animal studies show without a doubt, that breathing even low levels
27 of carbon dioxide causes a spectrum of dangerous adverse reactions in the body such
28

1 as acidification of the blood and calcification of the organs and arterial walls that can
2 lead to worsening coronary heart disease and other serious problems.

3
4 42. The cascade of metabolic changes to the offspring of pregnant mothers
5 exposed to Co2 can also cause permanent neurological damage, birth defects and still
6 births, possibly due to the calcification of the placenta. Which brings us to ask, are
7 masks partly to blame for the concerning 28% rise in still births worldwide during the
8 pandemic? Experiments confirm that wearing masks, be they surgical, N95, or
9 community made cloth, leads to a drastic rise in Co2 in the inhaled air under the masks,
10 increasing six to seven fold in five minutes to as much as sixty fold in fifteen minutes of
11 measurement. Breathing air with such high Co2 concentrations increase blood Co2,
12 which in turn acidifies the blood and tissues in the body.

13
14 43. Studies show that elevated Co2 levels cause permanent damage to
15 unborn pups of pregnant animals exposed to just a fraction of the concentration present
16 in the air under a mask. We also know through studies that adolescent mice show
17 similar developmental impairment and irreversible neuron death from minimal increase
18 in Co2. The reason the FDA issued the EUA specifying that consent is required that
19 harms be properly described, and that masks must not be labeled to imply they offer
20 antiviral protection, is precisely because they are not FDA approved for this use, and
21 their safety, and efficacy and health risks are not properly understood.

22
23 44. So the uncomfortable truth is that people wearing masks, either voluntary
24 or under the threat of punishment by their local authorities, are partaking part in a grand
25 medical experiment without their consent. Public officials who mandate masks without
26 mention of their risks, fail in their duty to provide informed consent by not
27 communicating crucial information to citizens that they need to make educated medical
28 decisions affecting their personal health. The reality is that a community is comprised of

1 people with widely varying health status, with each person having a unique history of
2 biological factors and family predispositions.

3
4 45. As cardiovascular disease continues to be #1 killer to this day in the U.S.
5 and worldwide, wouldn't it be of the utmost importance to communicate the risks of
6 calcification of arteries from increased CO₂ to the millions of people battling this deadly
7 disease? How many other conditions besides heart disease are worsening by breathing
8 high levels of CO₂ ? Knowing what health factors influence the severity of adverse
9 effects from wearing a mask is absolutely essential information for individuals to make
10 the call as to whether this medical intervention is right for them, or not. It should always
11 be left up to the individual to decide if the benefits outweigh the risks.

12
13 46. Even if masks were effective at significantly reducing transmission of a
14 disease, the "greater good" argument cannot be used to mandate a medical intervention
15 if it comes at the cost of the individual losing their health or life to sacrifice to the
16 perceived community benefit. Even if the so-called "mild" side effects of mask wearing
17 should be more deeply scrutinized. What exactly causes the metabolic changes
18 responsible for fatigue, anxiety, headaches, and trouble concentrating and is the
19 damage possibly permanent?

20
21 47. Increased CO₂ impairs children's ability to learn language and empathy,
22 and masked faces around them harms their emotional development? In *Jacobsen v.*
23 *Massachusetts*, a landmark case on government mandated medicine, the U.S.
24 Supreme court unequivocally ruled that there must be clear public health benefit to
25 justify the imposition of a medical mandate. There is little if any public health
26 justification in this case as evidence from "gold-standard" mask studies show that facial
27 coverings offer negligible benefits to the wearer of those in their vicinity when it comes
28 to reducing viral transmission among the general population. That evidence even

1 suggests that incorrect or long-term use of masks may increase the risk of
 2 transmission, especially with cloth or "community" masks.

3
 4 **EVENTS GIVING RISE TO CLAIMS**
BACKGROUND-(detailed)

5 48. -a. March 19, 2019: I was hired by John LaVasse of Safeway Inc. and for
 6 nearly two years I was a well-regarded employee working as the lead "fresh Cut" chef,
 7 responsible for preparing and packaging fruit and vegetables for hundreds of people
 8 every day.

9 -b. January 13, 2020: COVID-19 makes it's first showing in the news.

10 -c. March 11, 2020: The WHO declares a pandemic worldwide, a global
 11 pandemic, and the 2020 Olympics was officially postponed. The news headlines read:
 12 "Corona virus shall effect 70% of the world's population".

13 -d. June 19, 2020: John LaVasse (MGMT, Lead, Store-director,
 14 Administration-Management-347FE), general manager and Safeway Inc. declare an
 15 official mask mandate. This marks the instance Store manager LaVasse in his
 16 personal and professional capacity, acted under the color of law to deprive me of
 17 inalienable, God-given and Constitutionally protected substantive rights, TITLE 18
 18 U.S.C. § 242 Deprivation of Rights under Color of Law. LaVasse is clearly in non-
 19 compliance with Federal Constitution of the United States of America which binds him;
 20 and an Amendment to the United States Constitution and corresponding provision of
 21 the California State Constitution because it forces non-consenting healthy people into
 22 the use of a medical product and face burdens burdens to their medical privacy and
 23 ability to breathe, but it allows similarly situated healthy people in the same businesses
 24 and locations to obtain service because they have submitted to a medical
 25 procedure by an unlicensed professional which is unable to provide any
 26 infections protections whatsoever.

27 -e. November 19, 2020: LaVasse, conspires with the City of Concord;
 28

1 conspires with the County of Contra Costa, with the State of California, with the United
 2 States Government, CDC, WHO and those who issued the EUA to deprive me of God-
 3 given substantive rights guaranteed and secured by the United States Constitution.

4 TITLE 18 U.S.C. § 241 Conspiracy to deprive substantive rights.

5 **State Action Nexus**

6 49. Defendant acted with joint participation of the State via the perceived
 7 mask mandate to achieve their violations. This is evidenced by Defendant's own words
 8 and the sign at the entrance to Safeway Inc. 0955, that states the California State
 9 Regulation. The private conduct of the Defendant was as actions of the state itself as
 10 the Defendants were using the authority of California State to intertwine with his
 11 actions. Defendant is acting as an agent of the State in implementing the Rules.
 12 To Act under color of law does not require that the accused be an officer of the State. It
 13 is enough that he is a willing participant in joint activity with the State or it's agents.
 14

15 50. Defendant is a willing participant as agents of the State as they declined
 16 to reign in their conduct and policies despite warnings of a civil and criminal nature,
 17 even when threatened with criminal charges to be filed against them.
 18 Defendant's through their actions appear to have no interest in engaging in lawful
 19 conduct and act in defiance of the law through cover as the strong arm of the State.
 20 Defendant continued to pressure Plaintiff to wear a mask even after a notice of the
 21 illegality of his actions.

22 **CLAIMS-FOR-RELIEF**

23 **COUNT ONE**

24 **VIOLATIONS OF PROCEDURAL DUE PROCESS**

25 **U.S.C. §1983**

26 51. Plaintiff hereby incorporates all other paragraphs of this complaint as if
 27 fully set forth herein and further alleges:

28 Defendant has labeled Plaintiff as a communicable disease threat without a medical
 license and without a medical basis and as a result coerced Plaintiff to wear a mask.

1 As a result of Plaintiff's refusal to consent to another unwanted medical procedure by
 2 an unlicensed individual Plaintiff was refused further employment services at Willow
 3 Pass Safeway Inc. ; Defendant has discriminated against Plaintiff because of this
 4 perceived disability acting as agents of the State.

5
 6 52. The Due Process clause of the fourteenth Amendment requires that
 7 action by a state through any of it's agencies must be consistent with the fundamentals
 8 of liberty and justice. Procedural Due Process of law is required to properly classify
 9 Plaintiff with an actual communicable disease disability by a licensed physician, verified
 10 by a health officer challenged or investigated through a hearing, followed by discussion
 11 of appropriate intervention. There is a very high threshold that must be met to label
 12 someone as a real contagious threat that involves the right of the accused to challenge
 13 that assessment. California Public Health Law § 2120 outlines the process to process
 14 to determine if an individual is a communicable disease threat. None of the processes
 15 outlined in CA PHL § 2120 are authorized to be performed by Defendant as he is wholly
 16 unqualified to determine if someone is disabled and an actual public health threat.

17
 18 **COUNT TWO**
 19 **VIOLATION OF SUBSTANTIVE DUE PROCESS**
 20 **42 U.S.C. §1983**

21 53. Plaintiff hereby incorporates all other paragraphs of this complaint as if
 22 fully set forth herein and further alleges:
 23 Plaintiff has a protected liberty interest secured by the Due Process clause of the
 24 United States Constitution, international protocols and treaties adopted by and entered
 25 into by the United States, and by the laws and regulations of the United States, to be
 26 free from burdens on his constitutionally protected liberty rights. A requirement to wear
 27 a mask violates several fundamental rights, including but not limited to the right to be
 28 free from forced medical experimentation.

54. This right is both a fundamental right pursuant to the United States Supreme Court jurisprudence but is also recognized as a jus cogens under the laws of nations. As set forth more fully subsequently, the forced administration of an unconsented and ineffective medical intervention is criminal as well as civil in nature. Plaintiff has a protected liberty interest secured by the Due Process clause of the United States Constitution, to refuse non-consensual administration of any object-able medical product, and or to be free from the forced administration of medical procedures and devices that Plaintiff reasonably believes may cause him harm.

55. This is underscored by the fact that Defendant coercing the non-consensual intervention is an unlicensed medical professional. Further, Plaintiff has a fundamental right, secured by the Due Process Clause of the Fourteenth Amendment to the United States Constitution:

- a. to breath fresh air;
- b. to self determination in matters of medical care and the administration of medical products and devices;
- c. to medical privacy; and
- d. pursuant to the first and Fourteenth Amendment, the right to be let alone; personal privacy and the right to bodily autonomy.

56. The mask coercion both on it's face and as applied, is not sufficiently narrowly tailored, or lacks a rational basis, as science establishes that masks are ineffective against viral spread, and the Plaintiff poses no more threat than people wearing a mask. There is no rational reason to impose different burdens on them and to perpetrate this ignorance and refuse service to Plaintiff based on his refusal to consent to the forced medical intervention. Defendants actions are not narrowly tailored, or lacks a rational basis since as previously stated, numerous studies have confirmed that masks are not effective against viral spread, and Plaintiff will show at trial that masks are damaging in a variety of ways to those who are forced to wear them consistent with the requirements of the Defendant's to receive service.

57. WHEREFORE, Plaintiff respectfully requests that the Court enter punitive and monetary damages and such further relief as the Court deems just that Defendant's actions under color of law through mask coercion violates Plaintiff's substantive Due Process rights.

COUNT THREE
VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH
AMENDMENT TO THE U.S. CONSTITUTION
42 U.S.C. §1983

58. Plaintiff hereby incorporates all other paragraphs of this complaint as if fully set forth herein and further alleges:

By his actions described herein, Defendant acting under color of statute, ordinance, regulation, custom, or usage, subjected Plaintiff to the deprivation of his rights, privileges and immunities secured by the Constitution and law. Defendant's mask coercion violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, (and corresponding provision of the California State Constitution because it forces non-consenting healthy people into the use of a medical product and face burdens to their medical privacy and ability to breath, but it allows similarly situated healthy people in the same businesses and locations to obtain service because they have submitted to a medical procedure by an unlicensed professional which is unable to provide any infections protections whatsoever.

59. There is no rational basis for such distinction as previously outlined. Plaintiff poses no more danger to others than to a person who is consenting to an ineffective medical treatment. It is a fact that masked people are equally or more infectious than unmasked individuals. The policy of discriminating based on an individuals willingness or ability to subject themselves to an ineffective medical intervention by an unlicensed person, restrict their breathing, sacrifice bodily autonomy and facilitate possible harm due to increased Co2 levels or risk of infections shocks the conscience and cannot be justified as relating to any rational permissible goal. It is not

grounded in science, but rather in the effort to coerce people into waiving their rights to freely opt out of harmful, reckless and unjustified medical intervention.

60. WHEREFORE, Plaintiff respectfully requests that the Court enter punitive and monetary damages and such further relief as the Court deems just that the defendants mask coercion violated Plaintiff's Equal Protection rights.

COUNT FOUR
VIOLATION OF THE NINTH AMENDMENT OF THE CONSTITUTION RIGHT TO
PRIVACY AND
RIGHT TO BREATHE FREELY
42U.S.C. §1983

61. Plaintiff hereby incorporates all other paragraphs of this complaint as if fully set forth herein and further alleges:
Plaintiff has a protected liberty interest to breath freely secured by the Ninth Amendment of the Constitution. The mask coercion exhibited by Defendant provided no reasonable basis to restrict Plaintiff's breathing in order to obtain service in the public accommodation Defendant manages. Further, the means employed by the Defendant were, in fact potentially harmful to Plaintiff and could cause a serious medical event, as explained subsequently, when administered by an unlicensed individual on a non-consenting party.

62. WHEREFORE, Plaintiff respectfully requests that the Court enter punitive and monetary damages and such further relief as the Court deems just that the defendants mask coercion violated Plaintiff's Equal Protection rights.

COUNT FIVE
PRACTICING MEDICINE WITHOUT A LICENSE
CALIFORNIA BUSINESS & PROFESSIONS CODE § 2052

63. Plaintiff hereby incorporates all other paragraphs of this complaint if fully set forth herein and further alleges:

The definition of the practice of medicine is found in: CA B.P.C. § 2052:

The practice of the profession of medicine is defined as diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity or physical condition.

According to the CA B.P.C. § 2052, the practice of medicine and the use of title "physician". Only a person licensed or otherwise authorized under this article shall practice medicine or use of title "physician."

64. The California State Education Department Committee for professional practice regarding unauthorized practice of the professions in 2001 stated: The illegal practice of the profession involves any person or entity who practices one of the licensed professions without a license authorizing him/her to practice. Someone who has not met California State's full range of requirements for professional licensure in any other jurisdiction, is considered an unlicensed individual. A mask is a medical intervention. It restricts breathing and consistently drops the individual's oxygen levels below the safe threshold of 19.5%. The requirement of a mask by an unlicensed individual is dangerous as it is associated with an uneducated assumption of risk. The level of 19.5% as the minimum safe threshold is defined by OSHA regulation 1910.134 (d) (2) (iii).

65. The rationale for the regulation is explained by OSHA:
- human beings must breath oxygen... to survive, and begin to suffer adverse health effects when the oxygen level of their breathing air drops below [19.5% oxygen]. Below 19.5% oxygen., air is considered oxygen deficient. At concentrations of 16 to 19.5%, workers engaged in any form of exertion can rapidly become symptomatic as the tissues fail to obtain the oxygen necessary to function properly (Rom. W., environment and occupational Medicine, 2nd ed.: Little, Brown, Boston, 1992.). Increased

breathing rates, accelerated heartbeat, and impaired thinking or coordination occur more quickly, in an oxygen deficient environment. Even a momentary loss of coordination may be devastating to a worker if it occurs while the worker is performing a potentially dangerous activity, such as climbing a ladder. Concentrations of 12 to 16 percent oxygen cause tachypnea {increased breathing rates), tachycardia {accelerated heartbeat), and impaired attention, thinking, and coordination (e.g., Ex. 25-4), even in people who are resting.

- At oxygen levels of 10 to 14 percent, faulty judgement, intermittent respiration, and exhaustion can be expected even with minimum exertion (Exs. 25-4 and 150).
- Breathing air containing 6 to 10 percent oxygen results in nausea, vomiting, lethargic movements, and perhaps unconsciousness.
- Breathing air containing less than 6 percent oxygen produces convulsion, then apnea (cessation of breathing), followed by cardiac standstill. These symptoms occur immediately. Even if a worker survives the hypoxic insult, organ's may show evidence of hypoxic damage, which may be irreversible (Exs. 25-4 and 150). Also reported in Rom W. (See reference in previous paragraph). 34 (d)(2).(iii).

66. The FDA defines the use or application of any variety of masks as a class II medical device. The class II type devices represent a moderate to high level associated risk and are subject to both general controls and special controls by FDA, which may include compliance requirements for performance, labeling, clinical testing data, and post-market surveillance. Other devices classified in class 2 are blood pressure cuffs, pregnancy tests, syringes, blood transfusion devices, powered wheelchairs, contact lenses and software used as diagnostic tools.

67. Defendants by forcing a mask on Plaintiff are practicing medicine without a license. Defendant is also forcing a mask for perceived, unnecessary medical reason. This is even more egregious due to the fact that the defendant's are proceeding without any indication of consent from Plaintiff for their forced medical procedure. As Plaintiff is well aware, an actual licensed physician requires consent before proceeding with a medical intervention. Unconsented medical intervention in a non-emergency situation meets the definition of assault and battery. Section 2052-Business and Professions Code (BPO)classifies practicing medicine without a license as a Class E felony.

68. WHEREFORE, Plaintiff respectfully requests that the Court enter a punitive and monetary damages and such further relief as the Court deems just that Defendants mask coercion violates Plaintiff's Equal Protection rights.

COUNT SIX
DECLARING THE MASK MANDATE UNCONSTITUTIONAL
UNDER THE UNITED STATES CONSTITUTION AND
CORRESPONDING SEPARATION OF POWERS
CLAUSE OF THE CALIFORNIA CONSTITUTION.

69. Plaintiff hereby incorporates all other paragraphs of this Complaint as if fully set forth herein and further alleges:

As previously mentioned, only the legislature can make laws. Further, the legislature cannot delegate this law-making authority according to article 3, Section 13 of the California State Constitution. The United States Constitution establishes three separate but equal branches of government: the legislative branch makes the laws, the executive branch enforces the laws, and the judicial branch interprets the laws. The framers structured the government in this way to prevent one branch from becoming too powerful and to create a system of checks and balances.

70. The Constitution of the State of California similarly requires that statutes be passed by each separate house of the California legislature, before they can have the force of law. Specifically, Article III, Section 13 of the Constitution of the State of California provides that "The enacting clause of all bills shall be the People of the State of California, represented in Senate and Assembly, do enact as follows: "And no law shall be enacted except by bill." The current perceived Mask Mandate issued by the California State Department of Health, unbalances this constitutional framework by allowing the executive branch to issue directives with the force of law without proper delegation from the legislature. Plaintiff also has a clear legal right to breath freely and opt out of participating in non-consensual medical intervention that he reasonably believes may cause him harm, and to bodily autonomy.

71. WHEREFORE, Plaintiff respectfully requests that the Court enter a punitive and monetary damages and such further relief as the Court deems just that defendants mask coercion violates Plaintiff's Equal Protection Rights.

DAMAGES

72. Due to the egregious actions of the Defendant after being informed of the full knowledge of his Criminal and Civil Actions Plaintiff hereby demands monetary damages of \$250, 000.00 (two hundred and fifty thousand U.S. dollars) for discrimination, civil rights violations, mental anguish, embarrassment, coercion and as a punitive deterrent against similar behavior in the future.

Due to the aforementioned violations, Plaintiff demands the empanelment of a grand jury to for evaluation of criminal activity as outlined below.

Due to the aforementioned violations, Plaintiff requests further relief as the Court deems just, given the overt violations of Defendant.

DEMAND FOR EMPANELMENT OF FEDERAL GRAND JURY

73. All acts complained of shall be deemed to have been committed under color of official right, and committed knowingly, intentionally, and willfully, and with full and prior knowledge of the law and the facts applicable, relevant, and germane to the incident complained of as several opportunities have been given for administrative remedy. All paragraphs in this complaint shall be deemed to have been incorporated into each other paragraph. Allegations of violations of California Penal Code are as follows:

COUNT ONE **VIOLATION OF TITLE 18 U.S. CODE § 241** **Conspiracy against rights**

74. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or

1 Law of the United States, or because of his having so exercised the same, or they shall
 2 be fined under this title or imprisoned not more than ten years, or both; and if death
 3 results from the acts committed in violation of this section or if such acts include
 4 kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit
 5 aggravated sexual abuse, or an attempt to kill, they shall be fined under this title, or
 6 imprisoned for any term of years, or for life, or both, or may be sentenced to death.

7
 8 75. Plaintiff restates the foregoing factual allegations. Plaintiff gives Defendant
 9 opportunity to cure violations. Plaintiff, despite these attempts at reconciliation, were
 10 subjected to a conspiracy against their rights by the Defendant acting in their individual
 11 capacities (this must be Stressed more in complaint), and actions as the Board of
 12 Managers and General Manager. Plaintiff as a result of conspiracy against their rights,
 13 as despite attempts of Defendants to correct their wrongdoings were denied their right
 14 to peaceably assemble and be free from discrimination in a public place.

15
 16 76. WHEREFORE, Plaintiff's demand judgement for declaratory injunction,
 17 compensatory and punitive damages against John Martin LaVasse together with such
 18 other and further relief as the Court may deem reasonable and just under
 19 circumstances.

20 **COUNT TWO**
 21 **VIOLATION TITLE 18 U.S. CODE § 242**
 22 **DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**

23 77. Whoever, under color of any law, statute, ordinance, regulation or custom,
 24 willfully subjects any person in any State, Territory, Commonwealth, Possession, or
 25 District to the deprivation of any rights, Privileges, or Immunities secured or protected
 26 by the Constitution or Laws of the United States, or to different punishments, pains, or
 27 penalties, on account of such person being an alien, or by reason of his color, or race,
 28 than are prescribed for the punishment of citizens, shall be fined under this title or
 imprisoned more than one year, or both, or if bodily injury results from the acts

committed in violation of this section, or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title, or imprisoned not more than ten years, or both, and if death results from the act committed in violation of this section, or if such acts include kidnapping, or an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years, or for life, or both, or may be sentenced to life.

78. Defendant through publication and correspondence has cited the CDC guidelines for justification for segregating people perceived to be infected by a fictitious COVID-19 virus, and forcing a non- consensual and unlicensed medical intervention. The Separation of Powers Doctrine stipulates only that legislature can enact laws. The CDC guidelines are not laws. California State Interim Public Health recommendations for Fully vaccinated people adopted CDC guidelines. California States guidance are not laws and specifically states that implementation of guidance must be within the bounds of State and Federal Law.

79. WHEREFORE, Plaintiff demands judgement for declaratory injunction, compensatory and punitive damages against Defendants together with such other and further relief that the Court may deem reasonable and just under circumstances.

COUNT THREE
: VIOLATION OF CALIFORNIA CIVIL CODE § 52.1
COERCION IN THE THIRD DEGREE

80. Defendant is guilty of coercion in the third degree and he has used mask coercion to force Plaintiff to engage in conduct which Plaintiff has a legal right to abstain from engaging in. Defendant is guilty of coercion in the third degree as he has compelled or induced Plaintiff to abstain from engaging in conduct for which Plaintiff has a right to engage, commerce in a public accommodation, through mask coercion. Defendant has done this by means of: -a. instilling in Plaintiff a fear that, if his demand

1 is not complied with or another will. -b. Cause damage to property and to -c. Expose a
 2 secret or publicize an asserted fact, whether true or false, tending to subject some
 3 person to hatred, contempt or ridicule; and, use or abuse her position as a public
 4 servant by performing some act within or related to his or her official duties, or by failing
 5 or refusing to perform an official duty, in such manner as in some manner as a as to
 6 affect some person adversely; -d. Perform any other act which would not in itself
 7 materially benefit the actor but which is calculated to harm another person materially
 8 with respect Plaintiff's health, reputation or personal relationships.

9
 10 81. Without cause and without a lawful basis, Defendant on June 19, 2020,
 11 a) Compelled Plaintiff to engage in mask coercion by an individual who lacks a medical
 12 license and without consent, b) Labeled Plaintiff as a communicable disease threat
 13 without due process; c) compelled Plaintiff to abstain from his legal right to work and
 14 assemble where he chooses and access a public accommodation. Defendant
 15 compelled the former three points by means of instilling a a fear in the Plaintiff, that if
 16 his demands were not complied with, the Defendant would cause damage to Plaintiff's
 17 status, reputation, job and career, by refusing service and further employment, consider
 18 him diseased, and disrupt his personal relationships, by removing him from the store.
 19 This unlawful use of force to compel Plaintiff and threat for noncompliance constitutes a
 20 violation of CCC § 52.1 Coercion in the third degree. Coercion in the third degree is a
 21 class A misdemeanor.

22 **COUNT FOUR**
 23 **VIOLATION OF CALIFORNIA PENAL CODE 646.9 PC**
 24 **AGGRAVATED HARASSMENT IN THE SECOND DEGREE**

25 82. Defendants are guilty of aggravated harassment in the second degree as
 26 Defendant's with intent to harass Plaintiff, communicated, anonymously or
 27 otherwise, by words and by mail, a threat to cause unlawful harm to the property
 28 and career of Plaintiff. Without cause and without a lawful basis, Defendants on March

2021, communicated by mail a threat to cause unlawful harm to the Property of Plaintiff, and further communicated by mail with EDD Unemployment, using deception and forgery, caused serious loss to the Plaintiff, essentially blocking my unemployment award for three years, by lying about my Status. Defendants threat to harm Plaintiff's property constitutes a plain violation of C.P.C. 646.9 (California Penal Code) Aggravated harassment in the second degree. Aggravated harassment in the second degree is a class A misdemeanor.

COUNT FIVE
VIOLATION OF CALIFORNIA PENAL CODE § 422.6
HATE CRIME VIA CALIFORNIA CIVIL CODE § 52.1

83. Defendant committed a hate crime when they intentionally selected and committed the act of coercion in the third degree section 52.1 against Plaintiff in whole or in substantial part because of belief or perception regarding the disability of Plaintiff, regardless if the belief or perception in correct. Without lawful authority or cause, Defendant's cWithout lawful authority or cause, Defendant's on or about November 19, 2020 in the county of Contra Costa, committed the offense of coercion in the third degree and selected the Plaintiff against whom the offense was committed [or intended to be committed], in whole or insubstantial part because of belief or perception regarding the disability of Plaintiff. Defendant's had previous notice of violations they were committing therefore acted intentionally completing the crime of C.P.C. § 422.6 PC (California Penal Code) HATE Crime.

HATE Crime via § 52.1 is a class E Felony.

COUNT SIX a.
VIOLATION OF CALIFORNIA PENAL CODE § 422.6
HATE CRIME VIA CPC 646.9 PC

84. Defendant's committed a Hate Crime when they intentionally selected and committed the act of aggravated harassment in the second degree section : 646.9 PC against Plaintiff in whole or in substantial part because of a belief or perception

1 regarding the disability of Plaintiff, regardless of whether the belief or perception is
 2 correct. Without lawful authority or cause Defendant's on or about November 19, 2020
 3 in the County of Contra Costa, Defendant's committed the offense of aggravated
 4 harassment in the second degree and selected Plaintiff against whom the offense was
 5 committed [or intended to be committed] in whole or in substantial part because of
 6 belief or perception regarding the disability of Plaintiff. Defendant's had previous notice
 7 of the violations they were committing therefore acted intentionally completing the crime
 8 of CPC § 422.6 PC (California Penal Code) HATE Crime.

9 Hate Crime via CPC § 646.9 PC is a class E Felony.

10 **COUNT SIX b**
 11 **PRACTICING MEDICINE WITHOUT A LICENSE**

12 85. Defendant's are diagnosing Plaintiff based on perceived Vax. status
 13 and determining that he is a communicable threat and administering treatment requiring
 14 him to wear a mask and segregate without a license to practice medicine. Other
 15 members are also being subject to this unlawful act. but may lack awareness of their
 16 duty to report crimes. Determining an individual is a medical threat can only be done
 17 with proper due process that involves a licensed physician.

18 Practicing Medicine without a license is a class E Felony.

19 **DEMAND FOR EMPANELMENT OF A FEDERAL GRAND JURY**

20 86. Plaintiff has proven probable cause for his allegations of criminal
 21 misconduct against the Defendant's with conduct constituting two counts of hate crime.
 22 Defendant's were given several opportunities for administrative remedies but instead
 23 elevated their conduct to hate crime status with his January-February, 2021 letter's.
 24 Defendant's were made aware their actions could result in criminal action being taken
 25 against them but dismissed notification as harassment. A citizen who abstains from
 26 reporting a felony can be considered an accessory to that crime according to 18 U.S.C.
 27 §4.
 28

1 87. Therefore, reporting the aforementioned facts at the state and federal
2 level are a duty of the Plaintiff. The powers of the Court provided under the judiciary
3 and Criminal Procedure Laws of California State allow for remedy for the facts outlined
4 in this complaint. Defendant's actions are a blatant assault on the Plaintiff's rights.
5 Despite the illegality of the Defendant's actions, Plaintiff sought to illustrate the crimes
6 Defendant's policies and actions were responsible for causing.

7
8 Respectfully Submitted:

9  Affiant,
10 Responsible Party and Holder in Due Course

11 2024-11-18
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PRIVATE

CONFIDENTIAL